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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,563	04/27/2001	Hideyuki Agata	450100-03200	3012
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,563

Applicant(s)

AGATA ET AL

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to RCE, filed 10/28/05.

Claims 1-14, and 19-22 are pending in this application. In this Amendment, claims 1, 11, and 19 are independent claims and are amended, and claims 15-18 are cancelled. This action is made non-final.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-9, 11-13, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sommers et al. (U.S. Patent No. 5,940,076) in view of Gilligan et al. (European Patent Application 0609819 A1).

As to claim 1, Sommers teaches an information processing apparatus for executing predetermined processing in accordance with a first operation, a second operation, or a third operation, comprising:

first display control means for controlling a display (e.g., col. 3 lines 46-65, and figs. 4-5), in accordance with said first operation (displaying/viewing objects by using the control 302, e.g., col. 3 line 46-col. 4 line 33) or said second operation performed through said operating means, the display of an image for browsing corresponding to content recorded on a recording medium (e.g., col. 3 line 46-col. 4 line 33, col. 5 lines 28-50, and figs. 4-5); and

reproduction means for reproducing content corresponding to said image for browsing of which display is kept in a selected state by said first display control means if said third operation has been performed through said operating means (e.g., col. 3 line 46-col. 4 line 33); however, Sommers does not provide jog dial in operating to perform the operation. Gilligan clearly teaches a device comprising a displaceable knob mounted on one side of the mouse housing is provided for concurrent scrolling by using the thumb of the same hand which holds the mouse to allow different scrolling scale settings, including scrolling in a normal direction to the screen plane (i.e., between successive data layers) (see the Abstract and figs. 1A-C and 3A-B). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have the scrolling control knob of Gilligan in the Sommers Viewer of to provide more convenience to the user when using the mouse with the same hand/thumb in operating/moving/scrolling among tasks (Gilligan, Abstract); and the Sommers also shows displaying an image among a set of images, which are at least partially displayed on a view area of the display for the operator to select the image (e.g., col. 3 line 46-col. 4 line 33, col. 5 lines 28-50, and figs. 4-5); and

although, the modified Sommers in view of Gilligan does not clearly provide that the jog dial/thumbwheel activates a desired software program or script file while the information processing apparatus is in power save mode or with the power being off. It is well known in the art that the regular PC or laptop can be set in the power saving mode or screen saver mode to save power and to protect the computer screen, and the computer/laptop will be fully turned back on with its current process status (as before it was turned off by the saving mode) if there is any input from the keyboard (input key(s) of the keyboard is touched), or

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moving/touching/clicking/scrolling the mouse including moving the thumbwheel (if there is one for that mouse) of the mouse. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to improve the modified system of Sommers in view of Gilligan to be able to re-activate the computer by moving/touching/clicking the jog dial, thumbwheel, or any other well known input devices such as the keyboard, mouse, etc. when the computer is in power save mode or with the power being off to provide the user with more convenient features to quickly help the user getting the computer back on with its current process status.

As to claim 2, the modified Sommers teaches the information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing is linearly aligned with the set of images (e.g., figs. 4-5).

As to claim 6, the modified Sommers teaches the information processing apparatus according to claim 1, further comprising:

second display control means for controlling, in accordance with said first operation (e.g., col. 3 lines 46-65, and figs. 4-5) or said second operation performed through said jog dial means, the display of an icon of an application program which uses said content to be reproduced by said reproduction means (e.g., col. 3 line 46-col. 4 line 33); and

starting means for starting (select the view button 302, e.g., col. 3 line 46-col. 4 line 33), if said third operation is performed through said jog dial means with the display of an icon of a predetermined application program kept in an active state by said second display control means

(e.g., col. 3 line 46-col. 4 line 33) said predetermined application program of which display of an icon is kept in the active state (e.g., col. 3 line 46-col. 4 line 33, col. 5 lines 28-50, and figs. 4-5).

As to claim 7, the modified Sommers teaches the information processing apparatus according to claim 6, wherein, when any display of the icon of said application program is kept in the active state by said second display control means and said third operation is performed through said jog dial means, said starting means ends said application program started (selecting the objects by scrolling the display wheel, e.g., col. 3 line 46-col. 4 line 33, and figs. 4-5).

As to claim 8, Sommers teaches an information processing apparatus according to claim 1, wherein each of said first operation and said second operation is performed by rotating or turning a rotating or turning type dial (figs. 4-5).

As to claim 9, Sommers teaches the information processing apparatus according to claim 1, wherein said third operation is performed by depressing a rotating or turning type dial (selecting the objects by scrolling the display wheel, e.g., col. 3 line 46-col. 4 line 33, and figs. 4-5).

As to claims 11-13, they are method claims of apparatus claims 1, and 8-9. Note the rejections of claims 1, and 8-9 above respectively.

As to claims 19-21, they are system claims of apparatus claims 1, and 8-9. Note the rejections of claims 1, and 8-9 above respectively.

3. Claims 3-5, 10, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sommers et al. (U.S. Patent No. 5,940,076) in view of Gilligan et al. (European Patent Application 0609819 A1), and further in view of Robertson et al. (U.S. Patent No. 6,909,443).

As to claim 3, the modified of Sommers teaches the information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing (Note the rejection of claim 1 above); however, the modified Sommers does not teach that the image for browsing is aligned in a curve which constitutes a circle. Robertson clearly shows frames are displayed along great-circle paths (element 738 of fig. 46E). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have a great-circle display of Robertson in the modified Sommers's Viewing to increase visibility for users when viewing or editing frames.

As to claim 4, the modified Sommers teaches the information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing is spirally aligned with the set of images in a three-dimensional space (Robertson, figs. 12A-12F).

As to claim 5, the modified Sommers teaches the information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing is aligned with the set of images in a planar manner (Robertson, figs. 38H-38J).

As to claim 10, the modified Sommers teaches the information processing apparatus according to claim 1, wherein said first operation, said third operation, and said second operation are performed by switches arranged substantially in straight-line in this order (Robertson, fig. 38J).

As to claim 14, it is a method claim of apparatus claim 10. Note the rejections of claim 10 above.

As to claim 22, it is a system claim of apparatus claim 10. Note the rejections of claim 10 above.

Response to Arguments

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bixler (U.S. Patent No. 6,507,351 B1) teaches the user can immediately deactivate the "screen saver" mode and activate a desired software program via, for example, a simple keyboard command or "mouse" operation (col. 3).

Shin et al. (U.S. Pub. 2002/0062437 A1) teach using the computer mouse for activating/reactivating the power saving mode ([0046]).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

01/20/06


BA HUYNH
PRIMARY EXAMINER